

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

	)	
ZJBV Properties, LLC	)	
	)	
Plaintiff	)	Case No. 1:21-CV-01070-JL
v.	)	
	)	JURY TRIAL DEMANDED
Mammoth Tech, Inc.	)	
	)	
Defendant	)	
	)	
	)	

ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT ON BEHALF OF  
MAMMOTH TECH, INC.

NOW COMES defendant Mammoth Tech, Inc., by and through counsel, Lehmann, Major List, PLLC, and files this answer and affirmative defenses to the complaint attached to Mammoth Tech's notice of removal, and states as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Defendant is without adequate knowledge to admit or deny the allegations in paragraph four, and accordingly those allegations are denied.
5. Admitted.
6. Defendant is without adequate knowledge to admit or deny the allegations in paragraph six, and accordingly those allegations are denied.
7. Admitted.

8. Admitted. By further answer, the defendant states that the letter dated August 4, 2021, contained a detailed declaration of breach and notice of termination based on the failure of the plaintiff to maintain the property in a suitable condition and as required by the express terms of the lease.

9. Admitted.

10. Paragraph ten contains no factual allegations and therefore requires no answer.

11. Denied.

12. Paragraph twelve contains no factual allegations and therefore requires no answer.

13. Denied.

14. Denied.

15. Denied.

#### AFFIRMATIVE DEFENSES

A. Defendant Mammoth Tech, Inc. raises a general denial as to the plaintiff's claim of liability and damages.

B. Defendant Mammoth Tech, Inc. denies that it breached the lease.

C. Defendant Mammoth Tech, Inc. asserts that the plaintiff violated its obligations under the lease.

D. Defendant Mammoth Tech, Inc. asserts that the terms of the lease contract permitted it to terminate the lease.

E. Plaintiff's claim fails due to failure of consideration.

F. Plaintiff's claim fails due to illegality.

G. Plaintiff's claim fails due to laches.

H. Plaintiff's claim fails due to the statute of limitations.

I. Plaintiff has failed to state a claim upon which relief can be granted.

J. Plaintiff constructively evicted the defendant.

K. Defendant Mammoth Tech, Inc. requests a trial by jury.

L. Defendant Mammoth Tech, Inc., objects to a jury trial with less than 6 jurors.

M. Defendant Mammoth Tech, Inc., reserves the right to request a view.

N. Defendant Mammoth Tech, Inc., reserves the right to add additional defenses as discovery proceeds.

WHEREFORE, defendant Mammoth Tech, Inc. respectfully requests the following affirmative relief:

A. Dismiss this action;

B. Grant judgment in favor of the defendant and award reasonable attorney's fees and costs; and

C. Grant such other relief as may be just.

Respectfully Submitted  
MAMMOTH TECH, INC  
By its attorneys,  
Lehmann Major List, PLLC

*/s/Richard J. Lehmann*

September 16, 2022

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**CERTIFICATION**

I hereby certify that a copy of this pleading was this day forwarded to opposing counsel via the court's electronic service system.

September 16, 2022

*/s/Richard J. Lehmann*

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Richard J. Lehmann